REMARKS

In the Office Action mailed February 7, 2008, the Examiner noted that claims 1-13, 15-24 and 26-31 were pending and rejected all claims. Claims 1, 13, 15, 20-24, 27, 30 and 31have been amended and new claim 32 has been added, and, thus, in view of the forgoing claims 1-13, 15-24 and 26-32 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

Page 2 of the Office Action rejects all claims under 35 U.S.C. § 103 over Kodilam, Weaver, Nakamachi and Sim.

On page 6 of the Action, the Examiner acknowledged that the cited prior art does not disclose the formula of claim 28 where "route cost = number of hops + α * max (0, delay-β)) * stream rate / reference rate + predetermined value" (see claims 1, 13, 15, 20-24, 27, 28, 30 and 31). In fact, the prior art does not set forth or suggest any formula at all. For this reason, withdrawal of the rejection is requested.

The Examiner also points to the discussion in Weaver at col. 1, lines 45-51 about Dijkstra's algorithm. The Dijkstra algorithm finds, for a given node, the path with lowest cost (i.e. the shortest path) between that vertex and every other vertex (http://en.wikipedia.org/wiki/Dijkstra's_algorithm). And Dijkstra's algorithm is an algorithm that traverses a network determining the cost according to whatever cost formula is selected to be used by the user to determine cost. As a result, even when Dijkstra's algorithm is combined with the prior art, the particular formula of the claims is not taught or suggested. Withdrawal of the rejection for this addition reason is requested.

Further, the Examiner bases the rejection on Sims where Sims is asserted for the feature of routing through a particular redistribution server. Sims is a tree network (se figure 4) and thus all content transmitted or "pushed" to a leaf node (an edge of the network in Sim terminology) goes through all of the nodes between the root and the leaf. The pushing throughout a node asserted by the Examiner is merely the natural result of a communication between the root and the leaf. Thus, there is no need to do any forcing ("forced to pass through" - see claims 1 and 28, for example) of a route or node through which communication is to occur. That is, even though Sims uses the word "pushed" it is not a forcing as in claim 1 but a natural occurrence due to the type of network. For this additional reason withdrawal of the rejection is requested.

Additionally, as noted above, Sims is limited to a tree network. In contrast, claims 20-24, 27, 28, 30 and 31, for example, recite a "multiply connected" node network. As a result, in

contrast to the tree network of Sims, it is possible for a transmission to a particular destination node to pass through one intermediate node and not another intermediate node where transmissions to the destination can pass through either of the intermediate nodes. As a result, a cost calculation in a system as in Sims where pushing occurs in a tree network has no need to force the communication through a particular server or node because such a network is not be multiply connected and does not have multiple paths between nodes. For this additional reason, withdrawal of the rejection is requested.

It is submitted that the independent claims distinguish over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 3 emphasizes that cost between each node on a distribution route and a receiver node is minimized. The prior art does not teach or suggest such. It is submitted that the dependent claims are independently patentable over the prior art.

New claim 31 emphasizes determining connection costs between nodes of the network where cost is based on the routes passing through a redistribution server and the network is a multiply connected node network and more than one route from a source to some of the destinations exist. That is, unlike the prior art including Sims, forcing is needed because the network is multiply connected such that there are multiple paths from a source to a destination. Nothing in the prior art teaches or suggests such. It is submitted that this new claim, which is different and not narrower than prior filed claims, distinguishes over the prior art.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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